



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Office of Enforcement

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Arnold Schwarzenegger  
Governor

June 16, 2009

**VIA E-MAIL & CERTIFIED MAIL  
NO. 7008 1140 0002 3861 7983**

Mr. Richard Rowe, City Manager  
City of Barstow  
22 E. Mountain View Street, Suite A  
Barstow, CA 92311  
[rrowe@barstow.org](mailto:rrowe@barstow.org)

Dear Mr. Rowe:

**SUBJECT: ADMINISTRATIVE CIVIL LIABILITY INVESTIGATION**

The staff of the California Regional Water Quality Control Board, Lahontan Region (Regional Water Board) and the State Water Resources Control Board have conducted an investigation and concluded that the City of Barstow (City) violated provisions of the law and Orders of the Regional Water Board, for which the Regional Water Board may impose civil liability pursuant to California Water Code section 13268.

Specifically, the City owns and operates the Barstow Wastewater Treatment Plant (BWWTP) regulated by Regional Water Board Order No. 6-94-26 (Permit). The Permit's associated Monitoring and Reporting Program (MRP) No. 94-26 incorporates the "General Provisions for Monitoring and Reporting," dated July 1, 1993 as part of the BWWTP's MRP. We believe the City violated the following subsections of the General Provisions:

1. Subsection 1.d: "The Discharger shall establish Chain of Custody procedures to ensure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility." The Regional Water Board notes 77 days of sampling without Chain of Custody procedures and a SAP during the time period of March 14, 2003 – July 26, 2007.
2. Subsection 4.a: "Any person failing or refusing to furnish technical or monitoring reports or falsifying any information provided therein, is guilty of

*California Environmental Protection Agency*

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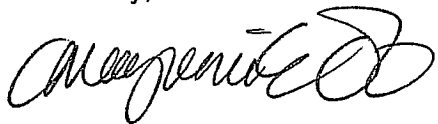
a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000) for each day of violation under Section 13268 of the Water Code." The Regional Water Board notes 14 days of duplicated monitoring and reporting information submitted in self-monitoring reports during the time period of March 14, 2003 – July 26, 2007.

Pursuant to Water Code section 13268, the maximum civil liability that the Regional Water Board may impose for the alleged violations is \$1,000 per day for each violation. The maximum potential administrative civil liability for these alleged violations is approximately \$91,000. However, it should be noted that the number of days of violation and maximum potential administrative civil liability for Item 1 above are based on violations of Subsection 1.d through October 2007. The Regional Water Board staff is currently identifying additional days of violation for failing to establish Chain of Custody procedures and a SAP beyond the investigation period ending October 2007.

The Regional Water Board staff and Office of Enforcement counsel are requesting a meeting to discuss these alleged violations with City representatives on **Monday June 29, 2009** with the tentative meeting location at the State Water Resources Control Board's office in Sacramento. Please find enclosed a **staff report** titled, "Barstow Investigation Staff Report." This report is being provided to the City on the understanding that it is confidential and to be used for discussion purposes only during our June 29, 2009 meeting. The purpose of the meeting will be to discuss the allegations and verify the number of days of violation and to allow the City an opportunity to respond to the staff report and allegations set forth above.

Please contact John Steude at the Regional Water Board to confirm a time for a June 29, 2009 meeting in Sacramento. He can be contacted at [JSteude@waterboards.ca.gov](mailto:JSteude@waterboards.ca.gov) or (530) 542-5571. If you have further questions about this letter, you can contact me at [MOkamoto@waterboards.ca.gov](mailto:MOkamoto@waterboards.ca.gov) or (916) 341-5674.

Sincerely,



Mayumi E. Okamoto  
Staff Counsel  
Office of Enforcement

Enclosure (1)

cc: See next page

cc: All via e-mail only

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